

**REMARKS**

Claims 1-7 are pending in this application. By this Amendment, claim 1 is amended. No new matter is added. Reconsideration of the application is respectfully requested.

**I. Claim Objections**

The Office Action objects to claims 1-7 because of informalities. Specifically, the Office Action asserts that the phrase "adapted to" in claim 1, line 6, is indefinite because it is unclear whether synchronous movement is required. Applicants respectfully traverse the objection.

MPEP 2111.04 states:

[E]xamples of claim language, although not exhaustive, that may raise a question as to the limiting effect of the language in a claims are: (A) "adapted to" or "adapted for" clauses; (B) "wherein" clauses; and (C) "whereby" clauses.

The determination of whether each of these clauses is a limitation in a claim depends on the specific facts of the case.

Claim 1 recites "drivers being adapted to synchronously move the first short arm and the second short arm in the axial direction of the first short arm." The specification discloses, for example, that a synchronous driver 54 includes a main arm moving mechanism 55 for moving the main arm 41 in the axial direction and a sub-arm moving mechanism 56 for moving the sub-arm 42 in synchronization and in the same direction as the main arm 41. See page 7, lines 19-29. In other words, the main arm moving mechanism 55 and the sub-arm moving mechanism 56 provide structural features that allow synchronous movement.

As discussed above, the specification discloses that synchronous movement is not a limitation of the claim. Therefore, the phrase adapted to clearly indicates that the drivers are "capable of" performing synchronous movement. Claim 1 is only amended to recite the "drivers being capable of synchronously moving the first short arm and the second short arm

in the axial direction of the first short arm" to further clarify that synchronous movement is not required.

The Office Action also asserts that the recitation of "the manner" in claim 1, line 11, lacks antecedent basis. Claim 1 is amended to correct this informality. For at least the reasons discussed above, reconsideration and withdrawal of the objections are respectfully requested.

**II. Rejections Under 35 U.S.C. §112, Second Paragraph**

The Office Action rejects claims 1-7 under 35 U.S.C. §112, second paragraph, as indefinite. Specifically, the Office Action asserts that it is unclear whether "a workpiece" recited in claim 1 is within the intended scope of the claim. Applicants respectfully traverse the rejection.

Claim 1 is amended to recite "the measuring instrument capable of measuring a dimension of a workpiece . . .," as suggested by the Office Action. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

**III. Rejection Under 35 U.S.C. §102(b)**

The Office Action rejects claims 1-3 under 35 U.S.C. §102(b) over U.S. Patent No. 887,994 to Bartram. Applicants respectfully traverse the rejection.

Bartram does not disclose a measuring instrument including "the short arms being sequentially disposed on the support in a manner in which the first short arm is accommodated in the support and the second short arm is accommodated in the first short arm," as recited in independent claim 1.

The Office Action asserts that Bartram discloses short arms being sequentially disposed on a support and supported in a manner movable relative to one another. Notwithstanding these assertions, Bartram does not disclose sequentially disposed short arms accommodated in a support and accommodated in the other short arm, as set forth in claim 1.

Bartram discloses, in Fig. 1, a measuring machine including a standard 3 (alleged to correspond to the support) that supports a horizontal measuring bar 14 (alleged to correspond to the detector) and collars 7-9 affixed thereon. Bartram also discloses a plurality of lazy tongs 10 (alleged to correspond to the short arms) fixed on the collars 7-9 and coil springs 11 (alleged to correspond to the drivers) to adjust the height of the horizontal measuring bar 14. However, Bartram does not disclose that one of the lazy tongs 10 is accommodated in the standard 3 and that one of the lazy tongs 10 is accommodated in another of the lazy tongs 10. Therefore, Bartram does not disclose the measuring instrument of claim 1.

In the measuring instrument of claim 1, short arms are accommodated in another component. For example, in Fig. 1, the main arm 41 may be accommodated in a carriage 52 (corresponding to the support) and the sub-arm 42 may be accommodated in the main arm 41. As a result, less installation space is required and shorter measurement time may be achieved. See page 2, line 10 – page 3, line 18. Bartram does not provide such advantages.

Therefore, claim 1 is patentable over Bartram. Claims 2 and 3 depend from claim 1, and thus also are patentable over Bartram for at least the reasons set forth above, as well as for the additional features they recite. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

#### **IV. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-7 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff

Registration No. 27,075

Holly N. Moore

Registration No. 50,212

JAO:HNH/hs

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**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

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